

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 14 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

INTERNATIONAL UNION OF
PAINTERS AND ALLIED TRADES,
DISTRICT COUNCIL 15, LOCAL 159,
AFL-CIO,

Intervenor,

v.

CAESARS ENTERTAINMENT, DBA Rio
All-Suites Hotel and Casino,

Respondent.

No. 17-71353

NLRB No. 28-CA-060841
National Labor Relations Board

ORDER

Before: TASHIMA and TALLMAN, Circuit Judges.

Intervenor's motion for summary enforcement (Docket Entry No. 25) is denied.

Respondent's motion to dismiss for lack of jurisdiction (Docket Entry No. 21) is denied without prejudice to renewing the arguments in the answering brief. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

Respondent's opening brief is due December 15, 2017. Petitioner's answering brief is due January 16, 2018. Intervenor's brief is due February 15, 2018. Respondent's optional reply brief is due March 19, 2018.